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**APR 26 2006**

**OFFICE OF PETITIONS**

In re Patent No. 6,827,979 : DECISION ON REQUEST  
Mirkin et al. : FOR RECONSIDERATION OF  
Issue Date: December 7, 2004 : PATENT TERM ADJUSTMENT  
Application No. 09/866,533 : and  
Filed: May 24, 2001 : NOTICE OF INTENT TO ISSUE  
Atty Docket No. 4183-1-1 : CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO § 1.705(d), filed February 7, 2005. Patentees request that the patent term adjustment indicated in the patent be corrected from four hundred thirty-one (431) days to five hundred three (503) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **five hundred three (503)** days.

On December 7, 2004, the application matured into U.S. Patent No. 6,827,979, with a revised patent term adjustment of 431 days. On February 7, 2005, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 503. Patentees assert that the entry reflecting that the issue fee was paid on November 2, 2004 is incorrect. Patentees state that the issue fee was paid on July 21, 2004, and thus, applicants should be awarded a total of 503

days for a delay from payment of the issue fee on July 21, 2004 to issuance of the patent on December 7, 2004. Patentees implicitly dispute the reduction of 56 days associated with payment of the issue fee on November 2, 2004.

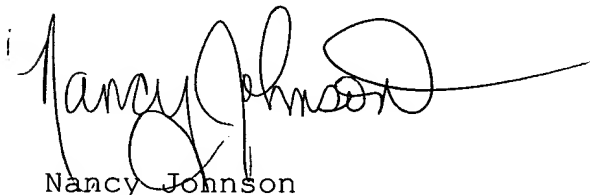
Having reviewed the record, it is concluded that patentees' argument is persuasive. The issue fee payment is confirmed to have been made on July 21, 2004. Thus, entry of a period of adjustment of 16 days for Office delay in issuing the patent after payment of the issue fee and satisfaction of all outstanding requirements is warranted. Conversely, the entry of a period of reduction of 56 days for applicant delay in payment of the issue fee is incorrect.

In view thereof, the patent should have issued with a revised patent term adjustment of five hundred three (503) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **FIVE HUNDRED THREE (503)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long, sweeping horizontal line extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 6,827,979 B2

DATED : December 7, 2004

INVENTOR(S) : Mirkin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (431) days

Delete the phrase “by 431” and insert – by 503 days--